



General Assembly

**Substitute Bill No. 392**

February Session, 2012

\* \_\_\_\_SB00392HS\_\_\_\_032612\_\_\_\_ \*

**AN ACT CONCERNING PHARMACY REIMBURSEMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-280 of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2012*):

4 (a) The state shall reimburse for all legend drugs provided under  
5 medical assistance programs administered by the Department of Social  
6 Services at the lower of (1) the rate established by the Centers for  
7 Medicare and Medicaid Services as the federal acquisition cost, (2) the  
8 average wholesale price minus sixteen per cent for chain pharmacies  
9 and minus fourteen per cent for independent pharmacies, or (3) an  
10 equivalent percentage as established under the Medicaid state plan.  
11 The state shall pay a professional fee of two dollars to licensed chain  
12 pharmacies and four dollars to licensed independent pharmacies for  
13 each prescription dispensed to a recipient of benefits under a medical  
14 assistance program administered by the Department of Social Services  
15 in accordance with federal regulations. On and after September 4, 1991,  
16 payment for legend and nonlegend drugs provided to Medicaid  
17 recipients shall be based upon the actual package size dispensed.  
18 Effective October 1, 1991, reimbursement for over-the-counter drugs  
19 for such recipients shall be limited to those over-the-counter drugs and  
20 products published in the Connecticut Formulary, or the cross

21 reference list, issued by the commissioner. The cost of all over-the-  
 22 counter drugs and products provided to residents of nursing facilities,  
 23 chronic disease hospitals, and intermediate care facilities for the  
 24 mentally retarded shall be included in the facilities' per diem rate.  
 25 Notwithstanding the provisions of this subsection, no dispensing fee  
 26 shall be issued for a prescription drug dispensed to a ConnPACE or  
 27 Medicaid recipient who is a Medicare Part D beneficiary when the  
 28 prescription drug is a Medicare Part D drug, as defined in Public Law  
 29 108-173, the Medicare Prescription Drug, Improvement, and  
 30 Modernization Act of 2003.

31 (b) The Department of Social Services may provide an enhanced  
 32 dispensing fee to a pharmacy enrolled in the federal Office of  
 33 Pharmacy Affairs Section 340B drug discount program established  
 34 pursuant to 42 USC 256b or a pharmacy under contract to provide  
 35 services under said program.

36 (c) For purposes of this section, "chain pharmacy" means a  
 37 community pharmacy that is publicly traded, "independent pharmacy"  
 38 means a community pharmacy that is privately owned and has twenty  
 39 or fewer stores in the state, "community pharmacy" has the same  
 40 meaning as in section 20-631a and "legend drug" has the same meaning  
 41 as in section 20-571.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2012	17b-280
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**Statement of Legislative Commissioners:**

In section 1(a) additional references to "minus" and "licensed" were added for clarity and consistency and in section 1(c) the definitions were reworded for proper form.

**HS**            *Joint Favorable Subst.-LCO*